

## **REMARKS**

### **Introduction**

Claims 1 - 19 were originally pending in this application. Claim 1 has been amended. Claims 9-19 were previously withdrawn from consideration by the Examiner pursuant to 37 CFR 1.142(b). Claim 3 was previously cancelled. No new matter has been added. Thus, claims 1, 2 and 4-8 remain in this application.

### **Claim Rejections**

#### **35 U.S.C. § 102 – Anticipation**

Claims 1 – 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent application 2004/0229013 to Dooley et al. (the Dooley et al. '013 application) and by U.S. patent application 2001/0028131 to Brodi, Jr. et al. (the Brodi Jr. et al. '131 application). A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Independent claim 1 has been amended to more particularly describe the invention. As described in greater detail below, Applicant respectfully submits that the invention described in independent claim 1, as amended, is neither disclosed nor suggested by the Dooley et al. '013 application or the Brodi Jr. et al. '131 application. Accordingly, this rejection is respectfully traversed.

#### **35 U.S.C. § 103 – Obviousness**

Claims 1 – 8 were also rejected on the alternative basis as being obvious, and therefore unpatentable, over the Brodi, Jr. et al. '131 application. As noted above, independent claim 1 has been amended to more particularly describe the present invention. Remaining claims 2, 4-8 are each

ultimately dependent upon independent claim 1 and include further perfecting limitations. In view of the amendments as explained in greater detail below, Applicant cannot agree with the Examiner that the invention defined in claim 1 would have been obvious in view of the Brodi, Jr. et al. '131 application. Accordingly, this rejection is respectfully traversed.

### **The Prior Art**

#### **The Dooley et al. '013 Application**

The Dooley '013 application discloses a method of manufacturing a vehicle interior trim panel assembly having an integrated soft-touch arm rest that includes placing a molded trim panel having a coverstock (40) bonded to a rigid substrate (46) having at least one aperture (48) into a mold cavity (62). The bond between the coverstock (40) and the rigid substrate (46) is then separated by injecting pressurized air through the aperture (48) to define an internal chamber (50). Subsequently, soft foam (54) is injected in to the internal chamber via the aperture (48) to define a soft-touch area (16) within the trim panel assembly (10).

However, the Dooley et al. '013 application does not disclose or suggest a method of manufacturing an interior trim panel assembly including the step of injecting a molten thermoplastic material into the mold cavity so as to *substantially surround the trim panel component and form a rigid substrate having a class-A side surface defined thereon* that is visible from the interior of a vehicle, as required by independent claim 1, as amended.

#### **The Brodi Jr. et al. '131 Application**

The Brodi Jr. et al. '131 application discloses a method of making an interior trim panel that involves combining extrusion deposition compression molding (EDCM) with injection-compression

molding (ICM). More specifically, the Brodi Jr. et al. '131 application discloses loading a trim blank (26) into the cavity (33) of a mold which is divided by a movable slide (42). (Paragraph [0022]). Then, plastic melt is extruded into the core portion (35) of the mold (30) to adhere to a portion of the back-side of the trim blank (26). (FIG. 6). In a subsequent step, the slide (42) is retracted and a second plastic melt is injected into the mold cavity to bond with the previously extruded plastic melt. (Paragraph [0023]). The trim blank, extruded plastic and injected plastic combine to form the interior trim panel (10). (FIG. 7).

However, the Brodi Jr. et al. '131 application does not disclose or suggest a method of manufacturing an interior trim panel assembly that includes the step of injecting a molten thermoplastic material into the mold cavity so as to *substantially surround the trim panel component* and *form a rigid substrate having a class-A side surface defined thereon* that is visible from the interior of a vehicle, as required by independent claim 1, as amended. Furthermore, the Brodi Jr. et al. '131 application does not disclose or suggest a method that includes the injection of a molten thermoplastic material that bonds the trim panel component and forms the vehicle interior trim panel assembly.

### **The Present Invention**

In contrast to the prior art, the present invention, as defined in independent claim 1, is directed toward a method of manufacturing an interior trim panel assembly having integrated trim panel components. The method includes providing a die including a pair of die halves cooperating to define a mold cavity to form a interior trim panel where at least one of the die halves includes a surface defining an class-A surface within the mold cavity and a plurality of recesses having a predetermined shape. The method further includes placing at least one trim panel component having

a class-A side surface that is visible from the interior of a vehicle and a contact surface into the corresponding recess within the mold cavity and closing the die halves. Next, the method includes injecting a molten thermoplastic material into the mold cavity so as to substantially surround the trim panel component and form a rigid substrate having a class-A side surface defined thereon that is visible from the interior of a vehicle. The injection pressure of the molten thermoplastic material injected into the mold cavity is less than the maximum clamp pressure of the die. The method further includes bonding the molten thermoplastic material to the contact surface of the trim panel component within the mold cavity while the rigid substrate is formed to form a vehicle interior trim panel assembly having at least one integrated trim panel component.

#### **Argument**

Applicant respectfully submits that the method of manufacturing a trim panel assembly for the interior of a vehicle as defined in independent claim 1 is not disclosed or suggested by the Dooley et al. '013 application. More specifically, the Dooley et al. '013 application teaches the use of a coverstock material to provide a class-A surface visible from the interior of a vehicle, which conceals the disclosed substrate from view. On the other hand, the method of the present invention includes the step of injecting a molten thermoplastic material into the mold cavity to ***substantially surround the trim panel component*** and ***form a rigid substrate having a class-A side surface defined thereon*** that is visible from the interior of a vehicle, as required by independent claim 1, as amended.

Furthermore, Applicant respectfully submits that the method of manufacturing a trim panel assembly for the interior of a vehicle as defined in independent claim 1 is not disclosed or suggested by the Brodi Jr. et al. '131 application. More specifically, the Brodi Jr. et al. '131 application does

not disclose or suggest a method including the step of injecting a thermoplastic material to define a rigid substrate having a class-A side surface that is visible from the interior of a vehicle which substantially surrounds the trim panel component. (Application, ¶ [0022]). Furthermore, the Brodi Jr. et al. '131 application does not teach a method where the injected thermoplastic material both bonds to the trim panel component and forms the trim panel assembly, as required in independent claim 1.

Applicant respectfully submits that the steps required in the method of newly amended independent claim 1 as discussed above cannot be found in the Brodi Jr. et al. '131 application, notwithstanding the Examiner's attempt to find these steps. By way of example, the Brodi Jr. et al. '131 application discloses steps to manufacture two separate substrates: (1) a ECMD substrate and (2) a ICM substrate. In addition, the ECMD substrate does not substantially surround the trim blank, but is merely an intermediary employed to attach the trim blank to the ICM substrate. This method is distinct from the present invention which is directed to a method that includes injecting a thermoplastic material that substantially surrounds a trim panel component in a mold cavity and forms a single rigid substrate having a class-A side surface to define a trim panel assembly having an integrated trim panel component. For these reasons, Applicant respectfully submits that the rejections under §102 should be withdrawn.

On the other hand, a rejection based on §103 must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Here, it is respectfully submitted that the Brodi Jr. et al. reference skirts around, but does not suggest the claimed invention *as a whole*. See Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1383 (Fed. Cir. 1986). In fact, the Brodi Jr. et al. method is fundamentally different from the present invention as defined in independent claim 1. Thus, it is respectfully submitted that the Examiner is

picking and choosing elements from the dissimilar method that is disclosed in the Brodi Jr. et al. '131 reference, adding other elements that are missing from the disclosure and restructuring the Brodi Jr. et al. method, using hindsight and Applicant's own disclosure, to conclude that the claimed invention is obvious. This is improper. There is a fundamental axiom in patent law that if a reference must be reconstructed or rearranged to change its operation to meet Applicant's claim, that modification of the reference is inappropriate and cannot stand.

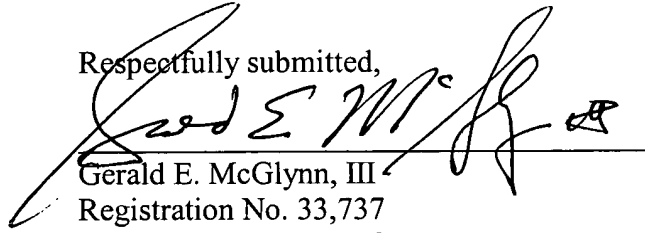
There is simply no motivation provided in the Brodi Jr. et al. reference to provide a method for manufacturing a door trim panel assembly having an integrated trim panel component by injecting a thermoplastic material to form a single substrate having an A-side surface visible from the interior of an automotive vehicle which substantially surrounds the trim panel component. Furthermore, even assuming that such a motivation existed, this reconstruction of the method disclosed by the Brodi Jr. et al. reference would not result in a method of manufacture described in independent claim 1.

In view of the above, it is respectfully submitted that independent claim 1 recites a method of manufacturing a door trim panel assembly that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the references discussed above. Claims 2, 4 – 8 are all ultimately dependent upon independent claim 1 and add further perfecting limitations. As such, the prior art references do not suggest the subject invention. However, even if they did, they could only be applied through hindsight after restructuring the disclosure of the prior art in view of Applicant's invention. A rearrangement of the method of manufacturing a door trim panel assembly described in this reference to derive Applicant's invention would, in and of itself, be an invention.

**Conclusion**

In view of the above, it is respectfully submitted that claims 1, 2 and 4 – 8 are patentably distinguishable over the prior art of record. Accordingly, Applicant respectfully solicits the allowance of claims pending in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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